

Fill in this information to identify your case:

United States Bankruptcy Court for the:

SOUTHERN DISTRICT OF NEW YORK

Case number (if known)

Chapter 11

☐ Check if this an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

4/16

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name I.T.M. Garden, Inc.

2. All other names debtor used in the last 8 years
Include any assumed names, trade names and doing business as names

3. Debtor's federal Employer Identification Number (EIN) 20-2708174

4. Debtor's address Principal place of business

10 Little West 12th Street
New York, NY 10011

Number, Street, City, State & ZIP Code

New York
County

Mailing address, if different from principal place of business

P.O. Box, Number, Street, City, State & ZIP Code

Location of principal assets, if different from principal place of business

Number, Street, City, State & ZIP Code

5. Debtor's website (URL)

6. Type of debtor

☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))

☐ Partnership (excluding LLP)

☐ Other. Specify:

Debtor I.T.M. Garden, Inc.
Name

Case number (if known) _____

7. Describe debtor's business A. Check one:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
☐ Railroad (as defined in 11 U.S.C. § 101(44))
☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
☒ None of the above

B. Check all that apply

- ☐ Tax-exempt entity (as described in 26 U.S.C. § 501)
☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. § 80a-3)
☐ Investment advisor (as defined in 15 U.S.C. § 80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.
 See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

8. Under which chapter of the Bankruptcy Code is the debtor filing?

Check one:

- ☐ Chapter 7
☐ Chapter 9

☒ Chapter 11. Check all that apply:

- ☐ Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,566,050 (amount subject to adjustment on 4/01/19 and every 3 years after that).
☒ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). If the debtor is a small business debtor, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if all of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
☐ A plan is being filed with this petition.
☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11 (Official Form 201A) with this form.
☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12

9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?

- ☐ No.
☒ Yes.

If more than 2 cases, attach a separate list.

District	<u>Southern District of New York</u>	When	<u>5/14/16</u>	Case number	<u>15-11252</u>
District	_____	When	_____	Case number	_____

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?

- ☒ No
☐ Yes.

List all cases. If more than 1, attach a separate list

Debtor	_____	Relationship	_____
District	_____	When	_____
		Case number, if known	_____

Debtor **I.T.M. Garden, Inc.**
Name

Case number (if known)

11. Why is the case filed in this district? Check all that apply:

☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.

☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?

☒ No

☐ Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.

Why does the property need immediate attention? (Check all that apply.)

☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.
What is the hazard? _____

☐ It needs to be physically secured or protected from the weather.

☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).

☐ Other _____

Where is the property? _____
Number, Street, City, State & ZIP Code _____

Is the property insured?

☐ No

☐ Yes. Insurance agency _____
Contact name _____
Phone _____

Statistical and administrative information

13. Debtor's estimation of available funds Check one:

☒ Funds will be available for distribution to unsecured creditors.

☐ After any administrative expenses are paid, no funds will be available to unsecured creditors.

14. Estimated number of creditors

<input checked="" type="checkbox"/> 1-49	<input type="checkbox"/> 1,000-5,000	<input type="checkbox"/> 25,001-50,000
<input type="checkbox"/> 50-99	<input type="checkbox"/> 5001-10,000	<input type="checkbox"/> 50,001-100,000
<input type="checkbox"/> 100-199	<input type="checkbox"/> 10,001-25,000	<input type="checkbox"/> More than 100,000
<input type="checkbox"/> 200-999		

15. Estimated Assets

<input type="checkbox"/> \$0 - \$50,000	<input type="checkbox"/> \$1,000,001 - \$10 million	<input type="checkbox"/> \$500,000,001 - \$1 billion
<input checked="" type="checkbox"/> \$50,001 - \$100,000	<input type="checkbox"/> \$10,000,001 - \$50 million	<input type="checkbox"/> \$1,000,000,001 - \$10 billion
<input type="checkbox"/> \$100,001 - \$500,000	<input type="checkbox"/> \$50,000,001 - \$100 million	<input type="checkbox"/> \$10,000,000,001 - \$50 billion
<input type="checkbox"/> \$500,001 - \$1 million	<input type="checkbox"/> \$100,000,001 - \$500 million	<input type="checkbox"/> More than \$50 billion

16. Estimated liabilities

<input type="checkbox"/> \$0 - \$50,000	<input type="checkbox"/> \$1,000,001 - \$10 million	<input type="checkbox"/> \$500,000,001 - \$1 billion
<input type="checkbox"/> \$50,001 - \$100,000	<input type="checkbox"/> \$10,000,001 - \$50 million	<input type="checkbox"/> \$1,000,000,001 - \$10 billion
<input checked="" type="checkbox"/> \$100,001 - \$500,000	<input type="checkbox"/> \$50,000,001 - \$100 million	<input type="checkbox"/> \$10,000,000,001 - \$50 billion
<input type="checkbox"/> \$500,001 - \$1 million	<input type="checkbox"/> \$100,000,001 - \$500 million	<input type="checkbox"/> More than \$50 billion

Debtor **I.T.M. Garden, Inc.**
Name

Case number (if known)

Request for Relief, Declaration, and Signatures

WARNING – Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

17. Declaration and signature of authorized representative of debtor

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on

8-25-16
MM/DD/YYYY

X /s/ Paolo Secondo

Signature of authorized representative of debtor

Paolo Secondo

Printed name

Title **President**

18. Signature of attorney

X /s/ Lawrence Morrison

Date

Signature of attorney for debtor

MM/DD/YYYY

Lawrence Morrison

Printed name

MORRISON TENENBAUM PLLC

Firm name

87 Walker Street, Floor 2

New York, NY 10013

Number, Street, City, State & ZIP Code

Contact phone **212-620-0938**

Email address **morrlaw@aol.com, LMORRISON@M-T-LAW.COM**

Bar number and State

Debtor name ITM Garden, Inc.United States Bankruptcy Court for the: SOUTHERN District of NY
(State)

Case number (If known): _____

☐ Check if this is an amended filingOfficial Form 204**Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders**

12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an *insider*, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

	Name of creditor and complete mailing address, including zip code	Name, telephone number, and email address of creditor contact	Nature of the claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of unsecured claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
					Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
1	Arista Coffe Inc. 59-01 55 th Street Maspeth, NY 11378	347-531-0813	Trade Debt				245.00
2	ASCAP PO Box 331608-7515 Nashville, TN 372003	1-888-758-4199	Trade Debt				676.25
3	Century Waste Services PO Box 07201-1109 Elizabeth, NJ 1109	908-558-95-40	Trade Debt				788.80
4	Classic Amerwine, Inc. 21 Redfern Ave Inwood, NY 11096	516-371-3888	Trade Debt				3,491.40
5	Dozortsev and Sons Enterprises, Ltd. 411-415 John St. Eizabeth, NJ 07202	212-966-9463	Trade Debt				360.00
6	NYC Dept. of Consumer Affairs Attn: Sidewalk Café Unit 42 Broadway, NY 10004		Trade Debt				5779.72
7	Polar Bear of NY 2644 North Jerusalem Rd. North Bellmore, NY 11710	516-781-7474	Trade Debt				312.00
8	RFM Specialty Cut Meats 50 Little West 12 th Street New York, NY 10014	347-475-6259	Trade Debt				345.60

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Debtor ITM Garden, Inc.
Name

Case number (if known) _____

	Name of creditor and complete mailing address, including zip code	Name, telephone number, and email address of creditor contact	Nature of the claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of unsecured claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
					Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
9	Royal Wine Company 63-65 Le Fante Ave PO Box 17 Bayonne, NJ 07002-0017	718-384-2400	Trade Debt				1,179.18
10	Snow White Chemical PO Box 396 Willston Park, NY 11596	516-921-9005	Trade Debt				390.41
11	Southern Wine & Spirits of New York	516-921-9005	Trade Debt				10,618.11
12	Travelers PO Box 660317 Dallas, TX 75266-0317	1-800-252-2268	Trade Debt				917.63
13	Wine Design Inc. 186 Montague St, 4 th FL Brooklyn, NY 11201	347-622-6699	Trade Debt				850.00
14							
15							
16							
17							
18							
19							
20							

United States Bankruptcy Court
Southern District of New York

L.T.M. Garden Inc.

Debtor(s)

Case No. _____

Chapter 11

VERIFICATION OF CREDITOR MATRIX

I, the President of the corporation named as the debtor in this case, hereby verify that the attached list of creditors is true and correct to the best of my knowledge.

Date: 8/25/2016

/s/ Paolo Secondo

Paolo Secondo/President
Signer/Title

Arista Coffe Inc.
59-01 55th Street
Maspeth, NY 11378

ASCAP
PO Box 331608-7515
Nashville, TN 37203

Century Waste Services
PO Box 072021-1109
Elizabeth, NJ 1009

Classic Amerwine, Inc.
21 Redfern Ave
Inwood, NY 11096

Dozortsev and Sons Enterprises
411-415 John Street
Elizabeth, NJ 07202

NYC Dept of Consumer Affairs
42 Broadway, New York, NY 10004

NYS Dept. of Taxation and Finance
Attn: Office of Counsel
Building 9, WA Harriman Campus
Albany, NY 12227

Polar Bear NY
2644 North Jerusalem Rd.
North Bellmore NY 11710

RFM Specialty Cut Meats, Inc.
50 Little West 12th Street
New York, NY 10014

Royal Wine Company
63-65 Le Fante Avenue
PO Box 17
Bayonne, NJ 07002

Snow White Chemical Corp.
PO Box 396 Willston Park, NY 11596

Travelers
CL Remittance Center
PO Box 660317
Dallas, TX 75266

Wine Design, Inc.
186 Montague Street, 4th Floor
Brooklyn, NY 11201

MORRISON-TENENBAUM, PLLC

87 Walker Street, Floor 2

New York, New York 10013

Lawrence F. Morrison, Esq.

(212) 620-0938

Proposed Attorneys for the Debtors

In re:

ITM GARDEN, INC.,

Debtor.


Chapter 11

Index No. 16-_____

CORPORATE RESOLUTION

At the meeting of the Board of Directors of ITM Garden, Inc.. ("ITM"), it was
determined to be in the best interests of ITM to file for bankruptcy under Chapter 11 of the
United States Bankruptcy Code.

Dated: New York, New York
August 25, 2016

By : 
Paolo Secondo
President

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In re:

I.T.M Garden Inc. .

Chapter 11

Case No. 16-_____ ()

Debtor.

-----X

AFFIDAVIT PURSUANT TO S.D.N.Y. LOCAL BANKRUPTCY RULE 1007-2

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

I, Paolo Secondo, duly sworn, depose and say:

1. I am the Principal of I.T.M Garden Inc. ("Debtor"), and as such I am familiar with the operations, business and financial affairs of the Debtor. I submit this Affidavit in accordance with the S.D.N.Y. Local Bankruptcy Rules in support of the voluntary petition filed by the Debtor under Chapter 11 of title 11 of the United States Code ("Bankruptcy Code").

2. There is no pending bankruptcy case against the Debtor and this petition is filed as a voluntary Chapter 11 proceeding.

3. The Debtor operates a restaurant at the premises located at 10 Little West 12th Street, New York, New York 10011. The Debtor was incorporated on April 11, 2005.

4. The Debtor is filing a voluntary petition under Chapter 11 of the Bankruptcy Code due to the debts owed to vendors and disputes arising from those vendor expenses.

5. I have 82.5% of the ownership interest as principal in the Debtor.

6. A list of the Debtor's top twenty (20) largest unsecured creditors was filed.

7. Currently, the average monthly revenue is about \$ 240,000. The Debtor has 30 employees, and the average monthly payroll is approximately 80,000 a month, including payroll taxes. The other expenses are as follows:

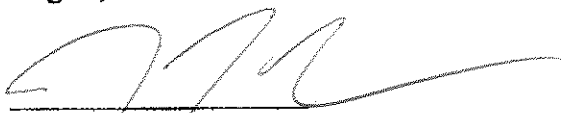
- a. Officer compensation: about \$ 2620 a month
- b. CGS: about \$ 60,000 a month
- c. Operating expenses, incl. rent: about \$ 80,000 a month

8. All required schedules, if not filed with the voluntary petition on the date of filing, will be filed within fourteen (14) days of the date filing the Debtor's voluntary petition, which will provide a list of the Debtor's assets, secured creditors and other information required.

Dated: New York, New York
August 25, 2016


By: Paolo Secondo

Sworn to before me this 25th day of
August, 2016


Notary Public, State of New York
JERALD M. TENENBAUM
Notary Public, State of New York
Registration #02TE6261652
Qualified In New York County
Commission Expires May 14, 2020